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PATENT COOPERATION TREATY

PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP03-0174-00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP03/07142	International filing date (day/month/year) 05 June 2003 (05.06.03)	Priority date (day/month/year) 06 June 2002 (06.06.02)
International Patent Classification (IPC) or national classification and IPC A41C 1/00, 1/06, A41D 13/00, A41B 9/02		
Applicant WACOAL CORP.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05 June 2003 (05.06.03)	Date of completion of this report 09 October 2003 (09.10.2003)
Name and mailing address of the IPEA/JP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP03/07142

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP03/07142

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 5-8, 11	YES
	Claims	1, 2, 4, 9-10, 12	NO
Inventive step (IS)	Claims	5-8	YES
	Claims	1-4, 9-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations

The subject matter of claims 1, 2, 4, 9-10, and 12 is not novel on account of document 1 [JP, 2002-235207, A (K.K. KARIN), 23 August 2002 (23.08.02), paragraphs [0013], [0015], Figs. 4~5, etc.] cited in the ISR.

The aforesaid document 1 describes a girdle that uses a panty cloth 4 whose extension is greater in the vertical direction than in the lateral direction. Based on the description in the drawings, the panty cloth is band-like in shape, and its disposition and elongation direction too appear to be within the scope of claims 1, 2, and 4. Furthermore, see abdomen push cloth 8 regarding a main front fastening part.

The subject matter of claims 1-4, 9-10, and 12 does not involve an inventive step on account of document 2 [WO, 99/58007, A (HIROSHI YOSHIHARA), 18 November 1999 (18.11.99), pages 27~28, Figs. 28~29, etc.] and document 3 [JP, 10-292209, A (K.K. DUTCHESS), 4 November 1998 (04.11.98), paragraphs [0012], [0017], Fig. 2, Fig. 8, etc.] cited in the ISR.

Document 2 describes a girdle provided with a band-like fastening part that extends to the vicinity of the greater trochanters while passing and curving above the left and right buttocks from above the crena ani when worn, and making the extension direction of the fastening part like that described in documents 1 and 2 based on the description in document 3 and the arrows shown in the drawings would be easy for a person skilled in the art. Document 3 also describes extending the fastening part toward the outside of the thigh and changing the main front fastening part; employing this constitution in document 2 would be easy for a person skilled in the art.

The subject matter of claim 11 does not involve an inventive step on account of the aforesaid document 2, document 3, and document 4 [JP, 2000-8203, A (WACOAL CORPORATION), 11 January 2000 (11.01.00), paragraphs [0127]~[0130], Figs. 24~25, etc.] cited in the ISR.

The aforesaid document 4 describes forming a fastening part by switching the power of warp-knit single-panel cloth. Employing this constitution in the aforesaid document 2 and document 3 would be easy for a person skilled in the art.

The subject matter of claims 5-8 appears to be novel and to involve an inventive step with respect to the documents cited in the ISR.